

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**AMONTE A. JACKSON,
Petitioner,**

v.

Case No. 11-CV-00932

**WILLIAM POLLARD, Warden,
Waupun Correctional Institution,
Respondent.**

DECISION AND ORDER

On October 5, 2011, petitioner Amonte Jackson filed this petition pursuant to 28 U.S.C. § 2254, asserting that his state court conviction and sentence were imposed in violation of the Constitution. Petitioner was convicted in Milwaukee County Circuit Court of first degree reckless homicide, armed robbery, attempted armed robbery, and felon in possession of a firearm. He was sentenced to 53 years imprisonment and is currently incarcerated at Waupun Correctional Institution. After screening this case as required by Rule 4 of the Rules Governing § 2254 Cases, I ordered respondent to file an answer to the petition, which respondent did on November 22, 2011. Petitioner has now filed a “Motion to Extend & Return to Milwaukee County Circuit Court,” which appears to be a request to stay this case while he exhausts additional claims that would support his petition in state court. See Rhines v. Weber, 544 U.S. 269 (2005).

In light of the motion to stay filed by petitioner, I will put the schedule for petitioner’s brief in support of his petition and respondent’s brief in opposition on hold. Instead, I will order respondent to reply to petitioner’s motion to stay. I am also denying petitioner’s

motions to appoint counsel. If petitioner's motion to stay the case is denied and I again order briefing on the merits of the petition, petitioner can renew his request for the court to appoint counsel. I am also denying as moot petitioner's motion for leave to proceed in forma pauperis. Petitioner has already paid the \$5.00 filing fee owed in this case.

THEREFORE, IT IS ORDERED that if respondent wishes to file a **BRIEF IN OPPOSITION** to petitioner's motion to stay [Docket # 36], he shall do so within forty-five (45) days. If respondent files a brief in opposition, petitioner shall have forty-five (45) days following the filing of respondent's brief within which to file a reply brief, if any.

IT IS FURTHER ORDERED that the current schedule for briefs in support of and in opposition to the petition is **STAYED** pending a decision on petitioner's motion to stay the case, and petitioner's motion to extend his time to file his brief in support [Docket # 37] is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that petitioner's motions to appoint counsel [Docket ##4, 24] are **DENIED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that petitioner's motion for leave to proceed in forma pauperis is **DENIED AS MOOT**.

Dated at Milwaukee, Wisconsin, this 14th day of December, 2011.

s/_____
LYNN ADELMAN
District Judge